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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 DANIEL JAY PEREZ,  
10 Plaintiff,

11 v.

12 CALVIN COGBURN,  
13 Defendant.

CASE NO. C18-1800-JLR-BAT

**ORDER DENYING PLAINTIFF'S  
MOTION TO STAY PROCEEDINGS**

14 Plaintiff, Daniel Jay Perez, who is proceeding *pro se* and *in forma pauperis* in this civil  
15 rights action, filed a motion on July 31, 2019, requesting the Court stay proceedings. Dkt. 49.  
16 Plaintiff contends a stay should be granted because he is in the custody of the Department of  
17 Corrections (DOC) and under DOC Policy 590.500 he claims he cannot possess legal materials.  
18 *Id.*

19 The Court declines to stay the proceedings. First, plaintiff has failed to show the DOC  
20 policy is preventing plaintiff from presenting his lawsuit. Second, defense counsel in this case  
21 appears to be making efforts to address any concern plaintiff has about the policy. Defense  
22 counsel in this case has indicated she is working with plaintiff's prison facility to ensure plaintiff  
23 is able to access his personal legal material so that this case can go forward. Dkt. 55. Third,  
plaintiff is currently litigating, in this case, the issue of whether Policy 590.500 impedes his

1 ability to present his case. In specific he has filed a motion seeking a preliminary injunction that  
2 directs the Department of Corrections not to apply Policy 590.500 in any manner that would  
3 impede plaintiff from presenting the lawsuit herein. Dkt. 50. The motion is still unresolved.  
4 Fourth, on August 15, 2019, plaintiff filed a motion to compel discovery, Dkt. 56, indicating  
5 DOC Policy 590.500 is not impeding his ability to present his case.

6 In short, plaintiff has not established there is a valid basis to stay proceedings. The case  
7 has continued to proceed since the motion to stay was filed and it appears plaintiff is actively  
8 engaged in the preparation of his case and the filing of motions including a motion to compel  
9 discovery. Moreover, a stay would not benefit plaintiff because it would mean none of plaintiff's  
10 pending motions would be addressed and the case would not move forward but would simply sit  
11 until the stay is lifted. The Court accordingly **DENIES** the motion to stay proceedings. Dkt. 49.

12 The Clerk shall provide a copy of this Order to plaintiff.

13 DATED this 22<sup>nd</sup> day of August, 2019.

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16 BRIAN A. TSUCHIDA  
United States Magistrate Judge